

### **REMARKS / ARGUMENTS**

The present Amendment is in response to the Examiner's Office Action mailed April 5, 2005. By this paper, claims 1, 3, 23, 25, 31, and 33 are amended, and new claim 39 is added. Claims 1-39 are now pending in view of the above amendments.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

#### **Rejection Under 35 U.S.C. § 102**

The Examiner rejects claims 1-2, 14-24 and 31-32 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,252,528 (*Perez*). Anticipation requires that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The following discussion illustrates the *Perez* does not satisfy *Verdegaal* with respect to claims 1-2, 14-24, and 31-32.

In the Office Action, the Examiner admitted that the features claimed in the claims that were objected to – namely claims 3-13, 25-30, and 33-38 – are not taught or suggested by the art. Each of the independent claims (claims 1, 23, and 31) have been amended to incorporate features from some of the claims that were objected to by the Examiner. By incorporating some of these features into the independent claims, claims 1, 23 and 31 are not taught or suggested by the art.

For example, claim 1 has been amended to require "a multiplexer that can receive a plurality of analog signals" and that the microcode perform "an act of determining which analog signal from the plurality of analog signals is being provided to the analog scaler by the multiplexer."

*Perez* does not teach or suggest claim 1 as amended. *Perez*, for example in Figure 4, illustrates that the method of *Perez* may be used to controllably adjust the amplification of a variable gain operational amplifier in a coder-decoder. See col. 8, lines 7-11. *Perez* does not teach or suggest that the coder/decoder receives a plurality of signals with a multiplexer. The coder/decoder is only connected to a telecommunications line and determines the amplification based on whether an "off-hook" or an "on-hook" condition is detected for a telephone. See e.g., Figure 4 and col. 8.

Further, *Perez*, does not teach or suggest microcode that determines which analog signal from the plurality of analog signals is being provided to the analog scaler. *Perez*, in contrast, is connected to a telecommunications line and only amplifies the signal on that line based on the "off-hook" or "on-hook" status. For at least these reasons, claim 1 is in condition for allowance. Claims 23 and 31 are also in condition for at least the same reasons. The dependent claims 2-22, 24-30, and 32-38 also overcome the art of record for at least the same reasons.

New claim 39 is directed to a transceiver that includes a control chip having an analog portion and a digital portion. The transceiver receives two analog signals: a first electrical signal and a second electrical signal. The control chip scales the first and second voltages based on a scaling value that is selected by the execution of microcode in the digital portion. The first and second voltages are scaled to be within an input range of the analog portion.

For at least the reasons discussed above, claim 39 is also in condition for allowance. For example *Perez* does not teach or suggest scaling a first or second voltage based on which is selected. *Perez* further does not teach or suggest determining which of the first or second electrical signal to provide to an analog scaler included in the control chip. For at least these reasons and those discussed previously, claim 39 is also in condition for allowance.

### **Allowable Subject Matter**

The Examiner has indicated that claims 3-13, 25-30 and 33-38 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the careful review and examination of these claims.

As noted above, the Office Action indicated that the features in the claims that were objected to are not taught or suggested in the prior art. By this paper, claims 1, 23, and 31 have been amended to incorporate some of these features. As a result and for the reasons discussed above, claims 1-38 are believed to be in condition for allowance, which is respectfully requested.

While claims 1, 23, and 31 have incorporated limitations from claims that would be allowable if rewritten in independent form, Applicant submits that it is the claim as a whole, rather than any particular limitation, that makes each of the claims allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that makes it allowable.

### **Conclusion**

Applicants believes that the claims presented herein are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 5<sup>th</sup> day of August 2005.

Respectfully submitted,



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### **AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes changes to Figure 5. This sheet, which includes Figures 4 and 5, replaces the original sheet including Figures 4 and 5.

In Figure 5, the word "Multiplier" next to reference numeral 508 has been replaced with the word "Multiplexer".

Attachment: Replacement Sheet